

NOV 27 2006

<b>Notification of Non-Compliant Appeal Brief (37 CFR 41.37)</b>	Application No.	Applicant(s)	
	10/724,653	LYONS, MICHAEL L.	
	Examiner	Art Unit	
	Tri Mai	3781	

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

The Appeal Brief filed on 01/27/06 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal (1205.03) within ONE MONTH, the appellant must file an extension of time to file a compliant appeal brief.

Commissioner for Patents  
P.O. Box 1450  
Arlington, Virginia 22313-1450

Contents: Appeal Brief  
re Application Ser. Nr. 10/724,653 GAU: 3727  
☐ Appeal Brief (15 pages)  
☐ Claims Appendix (1 page)  
☐ Evidence Appendix (15 pages; 14 exhibit items)  
☐ Related Proceedings Appendix (1 page)  
☐ Check for Appeal Brief Fee \$250.00

1. ☒ The brief does not have a heading or in the heading, the word "Appeal" is missing.

2. ☐ The brief does not contain a statement of the grounds of rejection (canceled), or does not contain a statement of the grounds of rejection.

3. ☐ At least one an statement of the grounds of rejection.

4. ☐ (a) The brief does not contain a statement of the grounds of rejection by reference to the appeal and to 35 U.S.C. 11 as corresponding to the drawings, if any, by reference to the drawings.

5. ☐ The brief does not contain a concise statement of each ground of rejection under 37 CFR 41.37(c)(1)(vi).

6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).

7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).

8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).

9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).

10. ☐ Other (including any explanation in support of the above items):

(x) Related Proceedings Appendix. This section must have a separate heading within the brief with a note of "None" if there are no Related Proceedings.

/ Everett R. Williams/  
Everett R. Williams  
Patent Appeals Specialist

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CENTRAL FAX CENTER  
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DATE: 2006 November 27

TO: Everett R. Williams, Patent Appeals Specialist

FROM: Nils Peter Mickelson, Reg. Nr. 40,089

SUBJ: Appeal Brief in re Application 10/724,653

RESPONSIVE TO: Notification of Non-Compliant Appeal Brief, mailed 2006 November 24

Sir,

- The referenced notification indicates that you are not in receipt of the Related Proceedings Appendix in the Appeal Brief cited above.

We attach hereto a facsimile of the Notification itself, including the note "(x)" at the bottom, and of the receipt card from the Office stamped to confirm the Office receipt of this Appendix on 2006 November 08.

The Appendix, as indicated on the card, consisted of one (1) page only, and was in fact the final paper in the contents of the Appeal Brief as noted on the receipt card. It was placed under a separate heading within the brief and in the location specified by 37 CFR 41.37(c).

This communication is to ask for your preference as to the following actions:

1. Mail a separate "hard copy" of the missing Appendix, and if so to whom?
2. Send a facsimile of our file copy of the Appendix, and if so to what number and person?
3. Convert the "hard copy" to a PDF file and forward via e-mail or the Office Website, and if so how and to whom addressed?

Please reply by telephone to 207-929-4840 or Voicemail to 207-929-4165 or FAX to 207-929-4165 or E-mail to <n.p.mickelson@ieee.org>

Thank you,

/Nils Peter Mickelson?

Encl.

DATE: 27 November 2006 TIME: 16:36

COVER PAGE PLUS 1 PAGE